

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:

Harlow N. Higinbotham,

Debtor.

Chapter 11

Bankruptcy No. 18-31185

Honorable LaShonda A. Hunt

NOTICE OF MOTION

Please take notice that, on May 2, 2019, at 10:00 a.m., or as soon thereafter as counsel may be heard, the undersigned shall appear before the Honorable LaShonda A. Hunt, United States Bankruptcy Judge for the Northern District of Illinois, in Courtroom 719 of the United States Courthouse, at 219 South Dearborn Street, Chicago, Illinois, to present the **Motion of Gemma Allen & Allen & Glassman to Extend Time to File a Complaint under 11 U.S.C. § 523**, a copy of which is included herewith and served upon you, at which time and place you may appear.

Dated: April 29, 2019

Gemma Allen and Allen & Glassman, Chtd.

By: /s/ William J. Factor
One of Their Attorneys

William J. Factor (6205675)
Deborah K. Ebner, Of Counsel (6181615)
Jeffrey K. Paulsen (6300528)

FACTORLAW

105 W. Madison Street, Suite 1500
Chicago, IL 60602
Tel: (847) 239-7248
Fax: (847) 574-8233
Email: wfactor@wfactorlaw.com
dkebner@deborahebnerlaw.com
jpaulsen@wfactorlaw.com

CERTIFICATE OF SERVICE

I, William J. Factor, an attorney, hereby certify that on April 29, 2019, pursuant to Section II.B.4 of the Administrative Procedures for the Case Management/Electronic Case Filing System and Fed.R.Civ.P. 5(a), I caused a copy of the foregoing *Notice of Motion* and the accompanying *Motion* to be served electronically through the Court's Electronic Notice for Registrants on all persons identified as Registrants on the Service List below and by Federal Express on all other persons identified on the Service List.

/s/ William J. Factor

SERVICE LIST

Registrants

(Service via ECF)

Bianca E. Ciarroni	bciarroni@freeborn.com, bkdocketing@freeborn.com
Michael K. Desmond	mdesmond@fslegal.com, dorisbay@fslegal.com
Deborah K. Ebner	dkebner@deborahEbnerLaw.com, webmaster@debnertrustee.com, lizd@deborahEbnerLaw.com
William J. Factor	wfactor@wfactorlaw.com, wfactorlaw@gmail.com, bharlow@wfactorlaw.com, wfactor@ecf.inforuptcy.com, wfactormyecfmail@gmail.com, factorwr43923@notify.bestcase.com
Shira R. Isenberg	sisenberg@freeborn.com, bkdocketing@freeborn.com, jhazdra@ecf.inforuptcy.com
Patrick S. Layng	USTPRegion11.ES.ECF@usdoj.gov
Jeffrey K. Paulsen	jpaulsen@wfactorlaw.com, bharlow@wfactorlaw.com, jpaulsen@ecf.inforuptcy.com
Nathan Q. Rugg	Nathan.Rugg@bfkn.com, jean.montgomery@bfkn.com
Gregory K. Stern	greg@gregstern.com, steve_horvath@ilnb.uscourts.gov
Stephen G. Wolfe	steve.g.wolfe@usdoj.gov, jennifer.r.toth@usdoj.gov

Non-Registrants
(Service via Federal Express – Next Day)

Harlow N. Higinbotham
RD No. 2
2002 East Cass St.
Joliet, IL 60432

Harlow N. Higinbotham
1500 N. Lake Shore Drive
Unit 13-C
Chicago, IL 60610

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:

Harlow N. Higinbotham,

Debtor.

Chapter 11

Bankruptcy No. 18-31185

Honorable LaShonda A. Hunt

**MOTION OF GEMMA ALLEN AND ALLEN & GLASSMAN,
CHARTERED TO EXTEND TIME TO FILE A COMPLAINT UNDER 11
U.S.C. § 523**

When a creditor needs additional time to investigate its claim against the Debtor and, if warranted, file an action to have its debt declared nondischargeable, the time to file a complaint under 11 U.S.C. § 523 should be extended. Here, Gemma Allen and Allen & Glassman, Chtd. (“Allen”) hold claims against the Debtor for, among other things, defamation.

1. BACKGROUND.

Through other pleadings, the Court has been apprised already of the long-running, multi-continental dispute over the failure of Harlow N. Higinbotham (the “Debtor”) to pay child support to Wipaporn Teekhungam and the parties’ ten-year-old triplets, A.H., A.H., and A.H (the “Support Creditors”). Allen has been counsel for the mother and on behalf of the Support Creditors in the action for child support pending against the Debtor in the Circuit Court of Cook County.

During Allen’s representation of the of the mother and on behalf of the Support Creditors, she learned during discovery in June 2018 that the Debtor and his wife Susan intentionally and maliciously tried to humiliate, embarrass and cause pain to Allen by, among other things, filing false statements with the United States Department of State, the Chicago Police Department and actually to the Internal Revenue Service on a joint tax return, stating that Allen was one of three

parties involved in “*the elaborate scheme to defraud an Illinois family during these 16 years has involved extortion, blackmail, trickery, identity theft, credit card theft and cash theft...\$1.236 million was adjudicated to be due, and over \$1 million more in expenses and losses and costs incurred to defend fraudulent claims brought by Ladden & Allen [the former name of Allen & Glassman, Chartered] are still in process with hundreds of pages of court filings.* [sic]

These defamatory statements were false and are believed to be defamation *per se*. Such a claim involving a clear intent and malice are not and should not be dischargeable in bankruptcy under, among other provisions, 11 U.S.C. § 523(a)(6).

2. DISCUSSION

The deadline for objecting to the dischargeability of a specific claim is February 11, 2019. A complaint under § 523(a)(2), (4), or (6) ordinarily must be filed within 60 days after the first date set for the meeting of creditors under § 341(a). Fed. R. Bankr. P. 4007(c). On a motion filed before expiration, the court may extend that deadline. *Id.*

Here, Allen has a claim against the Debtor as a result of his intentional and malicious efforts to harass, humiliate, embarrass them by means of defamation *per se*, among other things. However, Allen requires more time to investigate this claim through discovery and, if warranted, to file an action against the Debtor under § 523(a).

Wherefore, Gemma Allen and Allen & Glassman, Chtd. respectfully request that the Court extend the deadline to file complaints under § 523(a)(2), (4), or (6) to July 8, 2019, and grant such further relief as is appropriate in the circumstances.

Dated: April 29, 2019

Respectfully submitted,

**Gemma Allen and Allen &
Glassman, Chtd.**

By: /s/ William J. Factor
One of Their Attorneys

William J. Factor (6205675)
Deborah K. Ebner, Of Counsel (6181615)
Jeffrey K. Paulsen (6300528)
FACTORLAW
105 W. Madison Street, Suite 1500
Chicago, IL 60602
Tel: (847) 239-7248
Fax: (847) 574-8233
Email: wfactor@wfactorlaw.com
dkebner@deborahebnerlaw.com
jpaulsen@wfactorlaw.com